

EXHIBIT 4: CLAIM NO. 1862

B10 (Official Form 10) (04/13) (Modified)

UNITED STATES BANKRUPTCY COURT		EASTERN DISTRICT of MICHIGAN	CHAPTER 9 PROOF OF CLAIM FILED
Name of Debtor: City of Detroit, Michigan		Case Number: 13-53846	FEB 20 2014 COURT USE ONLY
NOTE: Do not use this form to make a claim for an administrative expense that arises after the bankruptcy filing.			
Name of Creditor (the person or other entity to whom the debtor owes money or property): Detroit Police Officers' Association ("DPOA")		US Bankruptcy Court MI Eastern District Court Claim Number: _____ (If known)	
Name and address where notices should be sent: Julie Beth Teicher Erman, Teicher, Zucker & Freedman, P.C. 400 Galleria Officentre, Suite 444 Southfield, MI 48034 Telephone number: 248/827-4100 email: jteicher@ermanlaw.com KINZMANCARSONCONSULTANTS.COM		RECEIVED FEB 24 2014	Check this box if this claim amends a previously filed claim. Previously Filed Case No.: _____
Name and address where payment should be sent (if different from above): James M. Moore Gregory, Moore, Jeakle & Brooks, P.C. 65 Cadillac Square, #3727, Detroit, MI 48226-2843 Telephone number: 313/964-5600 email: jim@unionlaw.net		Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars. Filed on: _____	
1. Amount of Claim as of Date Case Filed: \$ <u>Amount of claim is presently unliquidated.</u>			
If all or part of the claim is secured, complete item 4. If all or part of the claim is entitled to priority, complete item 5. <input type="checkbox"/> Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.			
2. Basis for Claim: Claims related to pending lawsuits where DPOA is a party (see attached). (See instruction #2)			
3. Last four digits of any number by which creditor identifies debtor:		3a. Debtor may have scheduled account as: (See instruction #3a)	
4. Secured Claim (See instruction #4) Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information.		Amount of arrearage and other charges, as of the time case was filed, included in secured claim, if any: \$ _____	
Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe:		Basis for perfection: _____	
Value of Property: \$ _____		Amount of Secured Claim: \$ _____	
Annual Interest Rate (when case was filed) % <input type="checkbox"/> Fixed or <input type="checkbox"/> Variable		Amount Unsecured: \$ _____	
5. Amount of Claim Entitled to Priority as an Administrative Expense under 11 U.S.C. §§ 503(b)(9) and 507(a)(2). \$ _____			
5b. Amount of Claim Otherwise Entitled to Priority. Specify Applicable Section of 11 U.S.C. § _____ \$ _____			
6. Credits. The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #6)			
7. Documents: Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, security agreements, or, in the case of a claim based on an open-end or revolving consumer credit agreement, a statement providing the information required by FRBP 3001(c)(3)(A). If the claim is secured, box 4 has been completed, and redacted copies of documents providing evidence of perfection of a security interest are attached. (See instruction #7, and the definition of "redacted".) DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING. The underlying documents relative to this claim are in the City's possession. If the documents are not available, please explain:			
8. Signature: (See instruction # 8) Check the appropriate box.			
<input type="checkbox"/> I am the creditor. <input checked="" type="checkbox"/> I am the creditor's authorized agent.		<input type="checkbox"/> I am the trustee, or the debtor, or their authorized agent. (See Bankruptcy Rule 3004.)	
<input type="checkbox"/> I am a guarantor, surety, indorser, or other codebtor. (See Bankruptcy Rule 3005.)			
I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.			
Print Name: <u>Julie Beth Teicher</u> Title: <u>Attorney and Authorized Agent</u> Company: <u>Erman, Teicher, et al</u> Address and telephone number (if different from notice address above): _____ _____		(Signature) <u>Julie Beth Teicher</u> (Date) <u>2-19-2014</u>	
Telephone number: _____ email: _____			

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DPOA PROOF OF CLAIM ATTACHMENT

Pursuant to the Order, Pursuant to Sections 105, 501 and 503 of the Bankruptcy Code and Bankruptcy Rules 2002 and 3003(c), Establishing Bar Dates for Filing Proofs of Claim and Approving Form and Manner of Notice Thereof [Doc. No. 1782] (the “Bar Date Order”), the DPOA is authorized to file this Proof of Claim on behalf of its members. The DPOA and its members are referred to hereinafter as “Claimants” or any individual as a “Claimant”.

This Proof of Claim and Attachment are filed to preserve the rights of Claimants. The filing of this Proof of claim is not intended to be, and should not be construed as:

- 1) An election of remedies;
- 2) A waiver of any past, present or future defaults by the City or any third party;
- 3) A waiver of Claimants’ claims against any other parties liable to Claimants;
- 4) A waiver or limitation of any rights, claims or defenses of Claimants, including, but not limited to, the right to challenge the Court’s jurisdiction to hear disputes arising out of the claims set forth in this Proof of Claim or to make any motion to have such dispute resolved in a forum other than the Court;
- 5) A waiver of Claimants’ rights to amend this Proof of Claim for any purpose;
- 6) A limitation on the number or type of claims filed by Claimants.

The filing of this Proof of Claim is not intended to and should not be construed to be a consent to or submission to the jurisdiction of the Court for any reason. Claimant has challenged the City’s eligibility for relief under chapter 9 of the Bankruptcy Code. Claimant has appealed the Court’s Opinion Regarding Eligibility dated December 5, 2013 [Doc. No. 1945] (the “Eligibility Opinion”) and the Order for Relief dated December 5, 2013 [Doc. No. 1946] and moved for certification for direct appeal to the United States Court of Appeals for the Sixth Circuit pursuant to 29 U.S.C. §158(d)(2) and Fed. R. Bankr. Pro. 8001(f). The filing of this Proof of Claim is not a waiver of Claimants’ continuing challenge to the eligibility of the City.

Pursuant to the Bar Date Order, individual members of the DPOA have the right to file a Proof of Claim on their own behalf.

EXHIBIT 1 TO DPOA PROOF OF CLAIM
CLAIMS RELATED TO PENDING LAWSUITS

Attached hereto is a list of Claims related to pending lawsuits as of the Chapter 9 petition date. Claimant has made a diligent search of available information to compile the list attached hereto. Claimant reserves the right to amend this Proof of Claim in the event additional pre-petition pending lawsuit Claims are discovered or brought to its attention. In accordance with the Claims Bar Date Order, the filing of this Proof of Claim is without prejudice to the rights of individual DPOA members to assert claims on their own behalf.

The underlying documents in support of each particular Lawsuit are in the City's possession.

Exhibit 1A—Pending Lawsuits where the DPOA is a Party

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All claims of the DPOA arising or resulting from the following proceedings:

1. Detroit Police Officers' Association v. City of Detroit, Court of Claims (Wayne County) Case Nos. 12-010859 and 12-000080-MK, and Michigan Court of Appeals Case Nos. 312439 and 315299.

These are consolidated cases which are currently pending before the Michigan court of Appeals. These proceedings include, but are not limited to, the following causes of action:

- The constitutionality of Public Act 4
- The enforcement and applicability of compulsory arbitration of labor disputes in police and fire departments
- The enforceability of the City Employment Terms post the referendum on PA 4.
- Entitlement to back pay and other financial remuneration.
- At present, the dollar amount of the claim based on this matter cannot be quantified, and this claim is presently filed as unliquidated.

2. City of Detroit v. Detroit Police Officers' Association, MERC Case No. D12-D0354, Wayne County Circuit Court Case No. 13-004974-CL

This case results from a complaint for judicial review of part of an Act 312 arbitration award which was issued on March 13, 2013, and in particular involves the City's challenge to a 5% wage increase for DPOA members which was to take effect January 1, 2014. In addition to the wage increase, other aspects of compensation, such as healthcare, pension, overtime, vacation pay, longevity pay, and other benefits may be at issue.